

REMARKS/ARGUMENTS

Claims 1-20 stand finally rejected. An amendment after final with accompanying remarks was submitted on May 20, 2004. The recent advisory action of June 25, 2004 indicates that the Examiner did not find this amendment after final responsive and that claims 1-20 remained under final rejection. The present response, accompanied by a Request for Continued Examination (RCE), includes amendments to claims 1, 6, 11, and 16 as well as a minor amendment to the Specification. Reconsideration and allowance of all pending claims are respectfully requested.

Claims 1-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over text in Applicant's "BACKGROUND" section in view of the private communication submitted with the IDS of December 12, 2003. The Applicant's remarks in the amendment of May 20, 2004 with respect to the IDS issues raised by the Examiner and the prior art rejections are reiterated here.

The amendments made here substantially incorporate the amendments made on May 20, 2004 but not entered. To expedite prosecution, the independent claims are further amended herein to require that the first device allow for the possibility of the second device returning a disconnect mode message when it is in Q.922 state 4 or state 5. This feature is also neither disclosed nor suggested by the art of record. The cited private communication assumes that the UA (unnumbered acknowledgement) message is the only possible response from the second device. ("As an option, devices that have lost all SVC calls may send a DISC P=1 to the peer and wait for a UA F=1 after system re-initialization and before they proceed with data link re-establishment" The cited private communication thus does not allow for the possibility that the second device is in Q.922 state 4 or state 5 which require the sending of a DM (disconnect mode) message in response to a disconnect message. The "BACKGROUND" section of the present application does not remedy this shortcoming of the cited private communication. This is a further deficiency of the cited art which argues strongly against its relevance to the pending amended independent claims. Claims 1, 6, 11, and 16 are allowable over the art of record.

Dependent claims 2-5, 7-10, 12-15, and 17-20 are allowable for at least the reason of their dependence from the allowable independent claims. Furthermore, claims 2, 7, 12, and 17 recite that the disconnect request message has a poll bit set to zero. By contrast, the private

communication teaches setting the poll bit of this message to one. This is a crucial distinction. If the peer device responds to the disconnect request message with a disconnect mode (DM) message, Q.922 operation will require the flag bit of that response to be set the same as the poll bit of the disconnect request. Now when the first device receives a DM message with flag bit set to one, Q.922 state machine operation will not permit the link establishment process to start. See, for example, step 172 in Fig. 4B which shows that link establishment is bypassed when the received flag bit is set to one. Claims 2, 7, 12, and 17 thus recite an important feature not taught by the cited art.

Claims 3-4, 8-9, 13-14, and 18-19 recite further details of the adaptation to the Q.922 connection logic including the use of an "awaiting-response-to-the-disconnect" message flag. These features are also not disclosed or suggested by the art of record.

The Specification has been amended to correct an inconsistency in the description. No new matter has been added.

Conclusion:

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8694.

Respectfully submitted,



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